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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,549	06/27/2003	Jae Cheol Lyu	K-103C	7415
7590 12/17/2004 FLESHNER & KIM, LLP P.O. Box 221200 Chantilly, VA 20153-1200			EXAMINER PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,549

Applicant(s)

LYU ET AL.

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-18 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 9 and 13 is/are rejected.
- 7) ☒ Claim(s) 8-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/376,375.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030627.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, claims 7-18, in the reply filed on 08 November 2004 is acknowledged. The traversal is on the ground(s) that "the search and examination of the entire application could be made without serious burden." This is not found persuasive because applicant has failed to provide any showing or evidence that the restriction was improper. MPEP §803 clearly states:

For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP §808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant. (emphasis added)

Since the Examiner has provided a *prima facie* showing of serious burden, as shown by appropriate explanation of separate classification and different field of search in the restriction requirement, the inventions are considered properly restricted.

2. The requirement is still deemed proper and is therefore made FINAL.
3. Claims 5-6 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 08 November 2004.

Claim Objections

4. Claim 16 is objected to because of the following informalities: In line 2, the term "passage" is claimed as a plurality and should be --passages--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9 & 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 9 recites the limitation "the height adjustment member" in line 1. There is insufficient antecedent basis for this limitation in the claim. The claim from which it depends recites a plurality of "height adjustment members". It is unclear whether claim 9 is directed to only one of the plurality or the plurality.

8. In claim 9, it is unclear how the members ("222" from Figures 7-8) can connect the inner circumference and outer circumference of the upper surface portion ("211") of the upper cover when the upper surface portion appears to be a solid horizontal piece. Clarification and correction are required.

9. In claim 13, it is unclear what is meant by a "fore end". What part of an annular cover constitutes a "fore end"? Clarification and correction are required.

Claim Rejections - 35 USC § 102

Art Unit: 1746

10. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,584,732 to Kohsaka. Kohsaka discloses a washing machine with an annular tub cover 19 having upper and lower portions thereby forming a liquid passage therebetween (see Figure 1 and relative associated text).

12. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,464,914 to Torita. Torita discloses a washing machine with a tub cover 42 fastened to tub 10, the tub cover having an upper 46 and lower 44 portions thereby forming a liquid passage therebetween (see Figures 1-2 and relative associated text).

13. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 4,395,890 to Goodlaxson. Goodlaxson discloses a washing machine with an annular tub cover mounted on top of tub 22, the tub cover (not numbered, see top of tub 22) having upper and lower portions thereby forming a liquid passage therebetween (see Figure 1 and relative associated text).

14. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent No. 3,603,118 to Brucken *et al.* (hereinafter "Brucken"). Brucken discloses a wash machine with an annular cover with upper and lower portions

Art Unit: 1746

(collar 64 including at least wall 58) thereby defining a liquid passage (see Figure 1 and relative associated text).

Allowable Subject Matter

15. Claims 8-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record does not teach or reasonably suggest the claimed washing machine upper tub cover and lower tub cover details of claims 8 & 10.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1746

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlp

A handwritten signature in black ink, appearing to read 'J. L. Perrin', is written over the printed name and title.